

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:06-CR-116-BO1

ARTURO NAVARRO BAZA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

This matter is before the Court on petitioner's motion for early disposition or application of the "Fast-Track" Program [DE 22]. The government has filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [DE 25]. The government's motion is GRANTED and the petitioner's motion is DISMISSED.

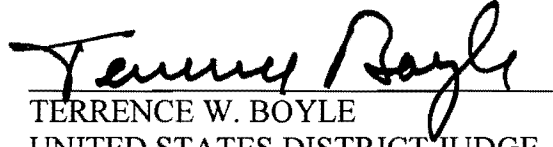
On January 31, 2012, the Department of Justice issued a memo with the subject heading "Department Policy on Early Disposition or 'Fast-Track' Programs." The memo set forth department policy and contained the following statement:

This memorandum sets forth the revised policy and criteria for fast-track programs. It provides only internal Department of Justice guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the Department.

By his instant motion, the petitioner asks the Court to implement the department policies outlined in the memo of January 31st. This Court does not have the power to implement the internal prosecutorial policies of the United States Department of Justice. Therefore, the relief sought by the petitioner is not within the jurisdiction of this Court and petitioner has not stated a

claim upon which relief might be granted. Therefore, the government's motion to dismiss must be GRANTED and the petitioner's motion must be DISMISSED.

SO ORDERED, this the 30 day of November, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE